REMARKS

Reconsideration and further examination is respectfully requested. Claims 1, 3, 4, and 6-8 remain in the Application. Claims 1, 3, 4, and 6 have been amended. Claims 2 and 5 have been canceled without prejudice.

Applicant has invented a data protection system that integrates a database with Windows Explorer in the Microsoft Windows 9X and NT Environments that mimics the Windows Explorer user interface, enabling the user to apply already known use paradigms. The data protection system appears as an extension to Windows Explorer and visibly appears as a folder item called the data vault. The data vault is a virtual disk that represents the underlying database. The database creates records and stores information about files backed up to removable secondary storage media, wherein each volume of the removable media has a unique identifier created using a Globally Unique Identifier (GUID). As discussed in Applicant's specification, page 18, lines 16-28, a GUID is created using a well defined method that guarantees that the GUID will be a globally unique name.

The Examiner rejected claims 1 and 4 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,638,509, issued to Dunphy, further in view of U.S. Patent 6,370,545, Issued to Saath et al.

The Examiner further rejected claims 2, 3, 5, and 6 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,638,509, issued to Dunphy, further in view of U.S. Patent 6,370,545, Issued to Saath et al., and still further in view of Basic Software Algorithms by Samsung Electronics.

Applicant has amended claim 1 to incorporate claim 2 and has amended claim 4 to incorporate claim 5.

The Examiner Stated that Dunphy disclosed the limitations of claims 1 and 4 except for the

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unique identifier, but that Shaath discloses the limitations of a globally unique identifier (GUID).

Applicant respectfully traverses. Without admitting whether or not Dunphy discloses the other limitations of claims 1 and 4, Shaath fails to disclose or suggest the use of a GUID to create a unique identifier. Shaath, in column 5, lines 3-5 discloses a need, in his invention, for a unique identifier, and in column 5 lines 22-29 he discloses using a very large number of characters in a name to assist in making a name unique, *but Shaath does not disclose or suggest any method of achieving the uniqueness of the name.* Having a large number of characters available for a name does not guarantee that a name that uses all those characters will be unique.

Applicants invention, on the other hand, provides a method of creating such a unique name, that is by creating a GUID, which is a well defined method of creating a 16 character identifier, as discussed in Applicant's specification, page 18, lines 16-28. Applicant's claims 1 and 4, as amended, claim creating a GUID and converting this GUID into the identifier for the medium.

Further, Shaath, at column 5 lines 63-64 states "identifier is *preferably* unique" (emphasis added), thus teaching away from the invention by stating that his names need not be unique. Clearly, if the names used for the identifiers need not be unique, Shaath would have no reason to create a unique name.

Therefore, Applicant believes claims 1, and 4, as amended, are patentable over the prior art of Dunphy in view of Shaath and claims 3 and 6 are patentable over the prior art of Dunphy in view of Shaath and further in view of Samsung.

The Examiner rejected claims 7 and 8 under 35 U.S. 103(a) as being unpatentable over Shaath, et al.

Applicant respectfully traverses. As discussed above, Shaath provides no method of creating

a globally unique identifier, therefore, Shaath cannot teach or suggest creating a GUID and using the GUID as the name of a medium.

The Examiner rejected claims 1 and 4 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3 and 21 of U.S. Patent No. 6,212,512, issued to Barney, et al.
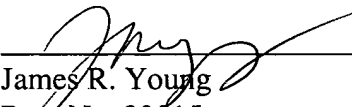
Applicant believes claims 1 and 4, as amended, are not obvious over claims 3 and 21 of Barney, since Barney neither discloses nor suggests the use of a GUID.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone James R. Young, Applicants' Attorney at 512-869-2606 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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